



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
GENERAL COUNSEL

June 7, 2022

Ms. Rachel Frazin
The Hill
1625 K Street NW, Floor 9
Washington, DC 20006

SENT TO: rachfrazin@gmail.com

**Re: Freedom of Information Act Request - EPA-2022-003656
First Interim Response and Still Interested Inquiry**

Dear Ms. Frazin:

This letter concerns the above-referenced Freedom of Information Act (FOIA) request, received by the U.S. Environmental Protection Agency (EPA) on April 12, 2022, in which you requested:

Any emails, memos, text messages, or other communications or correspondence sent or received by any of the following individuals:

Michal Freedhoff, Denise Keehner, Yvette Collazo, Tala Henry, Mark Hartman, David Widawsky, Andrew Gillespie, Edward Messina, Michael Goodis, Jennie Romer, Rick Keigwin, Madison Le, Tanya Mottley

That mentions the word definition" or "define."

Please limit this search to be between January 20, 2021 and July 31, 2021

On April 25th, you clarified the scope of the request, stating that you would be interested in modifying the request to include these search terms instead: "definition of PFAS," "PFAS definition," "define PFAS," "define perfluoroalkyl" "define per-and" "definition of perfluoroalkyl" "definition of per-and."

Thank you for your patience as the EPA's Office of Chemical Safety & Pollution Prevention FOIA Program works through a backlog of open Freedom of Information Act requests. Please note that OCSPP processed a FOIA request received in October 2021 on the same topic of the Definition of PFAS. The FOIA request is tracking number EPA-2022-000180 filed by Hudson Kingston of PEER.

I. Interim Release of Records

Today, EPA is releasing 131 responsive records. A total of 66 records are released in full without redactions. A total of 65 records are released in part pursuant to FOIA Exemptions 5, 5 U.S.C § 552(b)(5), Deliberative Process Privilege, Attorney Client Privilege, and/or Attorney Work Product Privilege, and/or Exemption 6, 5 U.S.C § 552(b)(6), Personal Privacy. The redacted portions of these records are exempt from disclosure because they contain text that is either: (1) pre-decisional and deliberative and would harm agency decision-making if released; (2) confidential communications between an Agency attorney and client concerning legal advice, or are documents prepared by, or at the direction of an attorney in contemplation of litigation, and/or; (3) contain personal information which would be an unwarranted invasion of personal privacy if released.

The responsive records can be viewed at the following link.

EPA-2022-000180 – request for 1. All records and communications containing, referencing, regarding, or otherwise arising out of the OPPT’s development of the “working definition” referenced on the EPA OPP’s “Per- and Polyfluoroalkyl Substances (PFAS) in Pesticide Packaging” website: <https://www.epa.gov/pesticides/pfas-packaging>. 2. All records and communications containing, referencing, regarding, or otherwise arising out of the OPPT’s development of the “working definition” referenced in EPA’s Notice of Proposed Rule dated June 28th, 2021. 3. All records and communications from any person, including non-employees and contractors, in EPA’s possession concerning the development of a definition of PFAS and any further communication in response thereto.

Available records: 131 records

Link to records:

<https://foiaonline.gov/foiaonline/action/public/submissionDetails?trackingNumber=EPA-2022-000180&type=Request>

II. Still Interested Inquiry

After you have had a chance to review the information above, including many overlapping records about the Definition of PFAS, does this information satisfy your request? We would like to know if you are still interested in proceeding with this FOIA request.

Please notify us if you are still interested in proceeding with this FOIA request within thirty working days from the date of this letter, or by July 21, 2022. If you are still interested, we would like to provide you with the opportunity to discuss and modify the request and discuss an updated estimated date of completion.

Please contact me at hill.kevinw@epa.gov or at 202-527-0320 to discuss your request. Please reference your request number in any correspondence.

If you do not respond within the designated time, EPA will administratively close the file in accordance with DOJ guidance. For more information, please visit: <https://www.justice.gov/oip/limitations-use-still-interested-inquiries>. As a reminder, you may refile a similar request in the future.

Additionally, you may seek assistance from EPA's FOIA Public Liaison at hq.foia@epa.gov or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, ogis@nara.gov; telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

If I can be of further assistance, please feel free to contact me via email or phone. Refer to the above FOIA identifier number when contacting me about this request.

Sincerely,

Kevin W. Hill
National FOIA Office
Office of General Counsel